

Form PTO-1390  U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE  TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER P30310  CONFIRMATION NUMBER 2446  U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/586,052
INTERNATIONAL APPLICATION NO. PCT/JP2005/000283	INTERNATIONAL FILING DATE 13 January 2005	PRIORITY DATE CLAIMED 15 January 2004
TITLE OF INVENTION IRES FUNCTIONING IN PLANT		
APPLICANT(S) FOR DO/EO/US Minami MATSUI, Yoshiharu YAMAMOTO, Kazuhito GOHDA, and Kumiko SUZUKI		
<p>Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information.</p> <ol style="list-style-type: none"> <li>1. <input type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.</li> <li>2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.</li> <li>3. <input type="checkbox"/> This is an express request to promptly begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (23) indicated below.</li> <li>4. <input type="checkbox"/> The US has been elected (PCT Article 31).</li> <li>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)).             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154 (d) (4).</li> </ol> </li> <li>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).                  "Executed"</li> <li>10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li> </ol> <p><b>Items 11 to 22 below concern other document(s) or information included:</b></p> <ol style="list-style-type: none"> <li>11. Assignee: <u>RIKEN, of Saitama, Japan</u></li> <li>12. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li>13. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li>14. <input type="checkbox"/> A FIRST preliminary amendment.                  <input checked="" type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment.</li> <li>15. <input type="checkbox"/> An Application Data Sheet under 37 C.F.R. 1.76.</li> <li>16. <input type="checkbox"/> A substitute specification.</li> <li>17. <input type="checkbox"/> A power of attorney and/or change of address letter.</li> <li>18. <input type="checkbox"/> Figure of Drawing to be published:</li> <li>19. <input checked="" type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825.</li> <li>20. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154 (d) (4).</li> <li>21. <input type="checkbox"/> A second copy of the English language translation of the international of the international application under 35 U.S.C. 154 (d) (4).</li> <li>22. <input checked="" type="checkbox"/> Other items or information:                  Cover Letter.                  Response to Notice to Filed Missing Requirements, with attachments (copies of executed Declaration and Filing Receipt).                  Statement to Support Filing and Submission in Accordance with 37 C.F.R. §§1.821-1.825.                  Paper copy of sequence listing (7 pages).                  Copy of Notification of Missing Requirements formalities letter (PCT/DO/EO/905).</li> </ol>		

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO.		ATTORNEY'S DOCKET NUMBER	
10/586,052		PCT/JP2005/000283		P30310	
				CALCULATIONS	PTO USE ONLY
23 <input type="checkbox"/> The following fees are submitted: Basic national fee.....300.00				\$ 0.00	
24 <input type="checkbox"/> Examination Fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33 (1)-(4).....0.00 All other situations.....200.00				\$ 0.00	
25 <input type="checkbox"/> Search fee Search fee (37 CFR 1.445(a) (2)) has been paid on the international application to the USPTO as an International Searching Authority.....0.00 International Search Report prepared and provided to the Office.....400.00 All other situations.....500.00				\$ 0.00	
TOTAL 23, 24 and 25 =				\$ 0.00	
<input type="checkbox"/> Additional Fee for Specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in electronic medium). The fee is \$250.00 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
-100=	/50 =		x \$250.00	\$ 0.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(h)).				\$ 0.00	
Claims	Number Filed	Number Extra	Rate		
Total Claims	12 - 20 =	0	x \$50.00	\$ 0.00	
Independent Claims	3 - 3 =	0	x \$200.00	\$ 0.00	
Multiple Dependent Claim(s) (if applicable)			+ \$360.00	\$ 0.00	
TOTAL OF ABOVE CALCULATIONS =				\$ 0.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$ 0.00	
SUBTOTAL =				\$ 0.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492 (i)).				\$ 0.00	
Extension of Time fee in the amount of \$				\$ 0.00	
TOTAL NATIONAL FEE =				\$ 0.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$ 0.00	
TOTAL FEES ENCLOSED =				\$ 0.00	
				Amount to be refunded	\$
				Charged	\$
a. <input type="checkbox"/> A check in the amount of \$_____ to cover the above fees is included.					
b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$_____ to cover the above fees.					
c. <input checked="" type="checkbox"/> The U.S. Patent and Trademark Office is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 19-0089.					
d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. <b>Credit card information should not be included on this form.</b> Provide credit card information and authorization on PTO-2038.					
<b>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</b>					
SEND ALL CORRESPONDENCE TO CUSTOMER NO. 07055 AT THE PRESENT ADDRESS OF:				SIGNATURE	
Bruce H. Bernstein GREENBLUM & BERNSTEIN, P.L.C. 1950 Roland Clark Place Reston, VA 20191 (703) 716-1191				NAME	
				42,920	
				REGISTRATION NUMBER	

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Minami MATSUI et al.

**Mail Stop PCT**  
**Confirmation No. 2446**

Appl. No. : 10/586,052 (National Stage of PCT/JP2005/000283)

I. A. Filed : January 13, 2005

For : IRES FUNCTIONING IN PLANT

**COVER LETTER**

**Mail Stop PCT**

Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop PCT  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

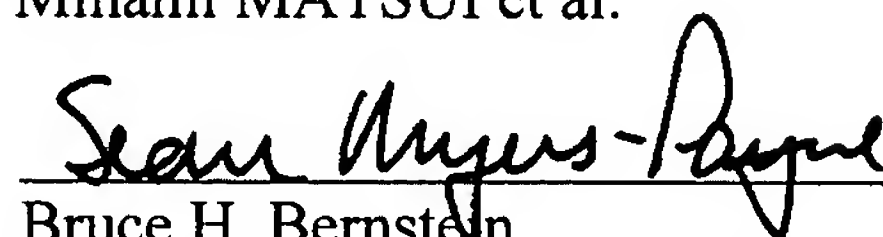
In order to comply with the requirements (copy enclosed) for the submission of an executed Declaration of the International Application set forth in the Notification mailed February 16, 2007 which sets a two-month period of response until April 16, 2007, Applicants hereby submit:

- Transmittal Letter to the United States Designated/Elected Office Concerning a Filing Under 35 U.S.C. 371;
- a Response to Notice to File Missing Requirements;
- copies of executed Declaration and Power of Attorney and date-stamped filing receipt;
- a Preliminary Amendment;
- a Statement to Support Filing and Submission in Accordance with 37 C.F.R. §§1.821-1.825;
- a computer readable form and paper copy of sequence listing (7 pages); and
- a Supplemental Information Disclosure Statement, PTO form 1449, and references cited.

The U.S. Patent and Trademark Office is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 19-0089.

Should the Examiner have any questions, he is invited to contact the undersigned at the below-listed number.

Respectfully submitted,  
Minami MATSUI et al.



Bruce H. Bernstein

Reg. No. 29,027

42,920

April 13, 2007  
GREENBLUM & BERNSTEIN, P.L.C.  
1950 Roland Clarke Place  
Reston, VA 20191  
(703) 716-1191



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/586,052	Minami Matsui	P30310

7055  
 GREENBLUM & BERNSTEIN, P.L.C.  
 1950 ROLAND CLARKE PLACE  
 RESTON, VA 20191

INTERNATIONAL APPLICATION NO.	
PCT/JP05/00283	
I.A. FILING DATE	PRIORITY DATE
01/13/2005	01/15/2004

RECEIVED

FEB 22 2007

GREENBLUM &amp; BERNSTEIN PLC

CONFIRMATION NO. 2446

371 FORMALITIES LETTER



Date Mailed: 02/16/2007

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 07/14/2006
- English Translation of the IA filed on 07/14/2006
- Copy of the International Search Report filed on 07/14/2006
- Preliminary Amendments filed on 07/14/2006
- Information Disclosure Statements filed on 11/14/2006
- Request for Immediate Examination filed on 07/14/2006
- U.S. Basic National Fees filed on 07/14/2006
- Assignment filed on 07/14/2006
- Priority Documents filed on 07/14/2006
- Specification filed on 07/14/2006
- Claims filed on 07/14/2006
- Abstracts filed on 07/14/2006
- Drawings filed on 07/14/2006
- Paper nucleotide sequence listings filed on 07/14/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the

CONFIRMATION



missing items identified in this letter.

# **SUMMARY OF FEES DUE:**

Total additional fees required for this application is \$130 for a Large Entity:

- **\$130 Surcharge.**
- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.** Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)**

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

PART 2 - OFFICE COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/586,052	PCT/JP05/00283	P30310

FORM PCT/DO/EO/905 (371 Formalities Notice)

Attorney Docket No. P30310

Application No. 10/568,052

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Minami MATSUI et al.

Group Art Unit: Unassigned

Appln. No. : 10/586,052  
(U.S. National Phase of PCT/JP2005/000283)

Examiner: Unassigned

I.A. Filed : January 13, 2005

Confirmation No.: 2446

For : IRES FUNCTIONING IN PLANT

**RESPONSE TO NOTICE TO FILE MISSING REQUIREMENTS**

Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop Missing Parts  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

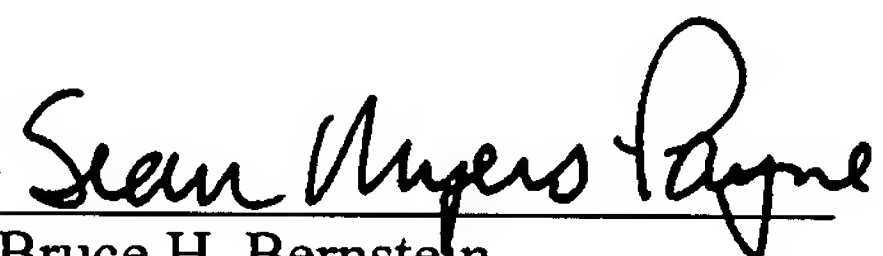
In response to the Notification of Missing Requirements under 35 U.S.C. § 371 dated February 16, 2007, Applicants note that an Executed Declaration was filed July 14, 2006. As evidence of this fact, Applicants enclose herewith a copy of the Executed Declaration, accompanied by a USPTO date-stamped filing receipt, dated July 14, 2006. Accordingly, Applicants submit that a surcharge as set forth in 37 CFR 1.492(h) is not necessary because an Executed Declaration has already been filed.

The undersigned hereby authorizes the U.S. Patent and Trademark Office to charge any fees necessary to maintain the pendency of the above-identified application, including any basic filing fees, application size fees, search fees, examination fees, extension of time fees, and claim fees, to Deposit Account No. 19-0089.



Should there be any questions regarding this paper or the present application, the Examiner is respectfully requested to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
Minami MATSUI et al.

  
Bruce H. Bernstein  
Reg. No. 29,027 42,920

April 13, 2007  
GREENBLUM & BERNSTEIN, P.L.C.  
1950 Roland Clarke Place  
Reston, VA 20191  
(703) 716-1191



GREENBLUM & BERNSTEIN, P.L.C.  
Intellectual Property Causes  
1950 Roland Clarke Place  
Reston, VA 20191  
(703) 716-1191

**COPY**

7/14/2006

File In: M4/rrr

The Patent Office Date stamp hereon is an acknowledgement that, on the date indicated, the Patent Office received the following:

*yi National Phase of PCT/JP 2005/000283 filed January 13, 2005*  
*yi International Application as published in Japanese (1 page of cover sheet)*

- ☒ Amendment Preliminary
- ☒ Executed Assignment and cover letter
- ☐ Executed S.E.S. ☐ S.E.S. Assertion
- ☐ Req. for Ext. of Time
- ☒ Fee Filing ☒
  - Recording ☒
  - Issue ☐
  - Extension ☐
  - Publication ☐
- ☐ Fee Transmittal
- ☐ Maintenance Fee Payment
- ☐ PTOL-85B Issue Fee & Publication Fee (with Copy)
- ☐ Cover Letter Regarding Drawings
- ☐ Design Patent Application Transmittal
- ☐ Utility Patent Application Transmittal
- ☐ Provisional Application Cover Sheet
- ☐ Request for Continued Examination (RCE) including Submission
- ☐ Cover Letter
- ☐ Credit Card Payment for \$ (Form PTO-2038)
- ☒ Check No. 58472 for \$ 940.00
- ☐ Rule 53b and 53f Letter for Unexecuted Application
- ☐ Application Data Sheet

- ☒ Claim of Priority ~~& Certified~~ **COPY**  
Copy of \_\_\_\_\_
- ☒ Declaration ☒ Executed ☐ Unexecuted ☐ Copy from parent
- ☐ Transmittal Letter
- ☒ Patent Application (English translation)
  - ☐ Provisional ☐ Reexam
  - ☐ Reissue ☐ Design
  - ☐ Continuation ☐ CIP
  - ☐ Divisional
  - 25 pages (w/abstract)
  - 7 pages of Sequence Listing
  - 12 claims 3 independent
  - 4 sheets of drawings
  - 4 figures
- ☐ I.D.S. form PTO-1449 & Documents ☐ as attached ☐ as listed on reverse
- ☒ One self-addressed postcard
- ☐ Certification under 1.97(e)
- ☐ Certificate of Mailing (C-O-M)
- ☐ Returned Envelope

*yi PCT/ISA/210*  
*yi PCT/ISA/237 (in JP)*  
*yi PCT/RO/101 (in JP)*  
*yi PCT/IB/304*  
*yi PCT/IB/306*  
*yi PCT/IB/308 (2)*

In the matter of : IRES FUNCTIONING IN PLANT

Applicant : Minami MATSUI et al.

Application No. : Not Yet Assigned

Patent No. :

Filed : Wendy Heronith

Issued :

Docket : P30310

BHB